

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date shown below:

August 26, 2008
David Saliwanchik
David R. Saliwanchik, Patent Attorney

COMMUNICATION
Examining Group 1657
Patent Application
Docket No. GJE-7169

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Laura J. Schuberg
Art Unit : 1657
Applicants : Christopher Robin Lowe *et al.*
Serial No. : 10/520,323
Conf. No. : 5107
Filed : January 17, 2008
For : Monitoring of Cells

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

COMMUNICATION

Sir:

Applicants submitted an unsigned Declaration under 37 CFR §1.131 with the Amendment of July 17, 2008. Attached herewith is the Declaration executed by inventors Christopher Robin Lowe and Colin Alexander Bennett Davidson on August 1, 2008. Attempts to contact Craig J.L. Gershater have been unsuccessful thus far, though we will continue to try to locate him.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this communication, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

A handwritten signature in black ink that reads "David Saliwanchik". The signature is written in a cursive, flowing style.

David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

DRS/la

Attachment: Declaration under 37 CFR §1.131, executed by C.R. Lowe and C.A.B. Davidson

Patent Application
Docket No. GJE-7169
Serial No. 10/520,323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Laura Schuberg
Art Unit : 1657
Applicants : Christopher Robin Lowe, Craig J.L. Gershater, and Colin A.B. Davidson
Serial No. : 10/345,532
Conf. No. : 5107
Filed : January 5, 2005
For : Monitoring of Cells

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF CHRISTOPHER ROBIN LOWE, CRAIG J.L. GERSHATER, and COLIN
ALEXANDER BENNETT DAVIDSON UNDER 37 CFR 1.131

Sir:

We, CHRISTOPHER ROBIN LOWE, CRAIG J.L. GERSHATER, and COLIN
ALEXANDER BENNETT DAVIDSON hereby declare:

THAT, we are co-inventors of the technology described and claimed in U.S. patent
application Serial No. 10/520,323;


Being thus duly qualified, do further declare as follows:

THAT, we conceived of the subject matter of the above-referenced invention prior to May 1,
2002, as evidenced by the printouts of slides from an internal presentation given at a time prior to
May 1, 2002, attached herewith as Exhibit A.

THAT, from a time prior to May 1, 2002, we worked diligently on this invention at least until
the July 9, 2002 filing date of United Kingdom patent application No. 0215879.8, from which the
subject application claims priority.

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

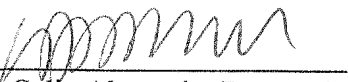
Further declarants sayeth naught.

By: 
Christopher Robin Lowe

01.08.08
Date

By: _____
Craig J.L. Gershater

Date

By: 
Colin Alexander Bennett Davidson

01.08.08
Date

EXHIBIT A

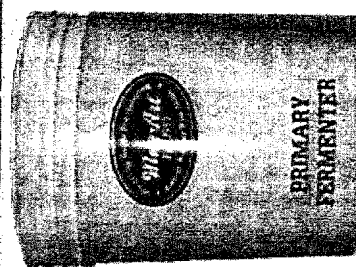
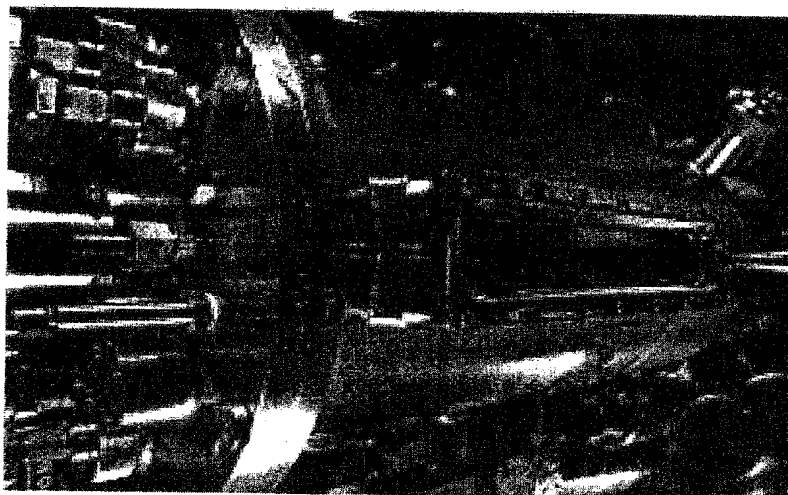
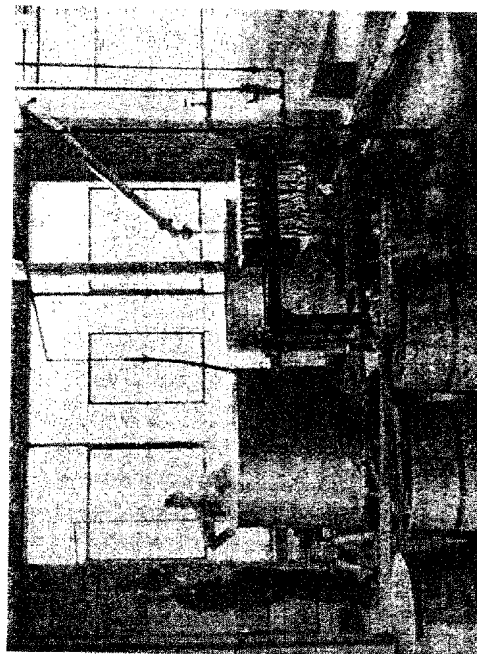
FERMENTER ON A CHIP: EPISODE 1

SCIENTIST
ALREADY HAS
A CHIP IN THE
LAB AND DOESN'T
KNOW THE REAL VALUE
OF IT

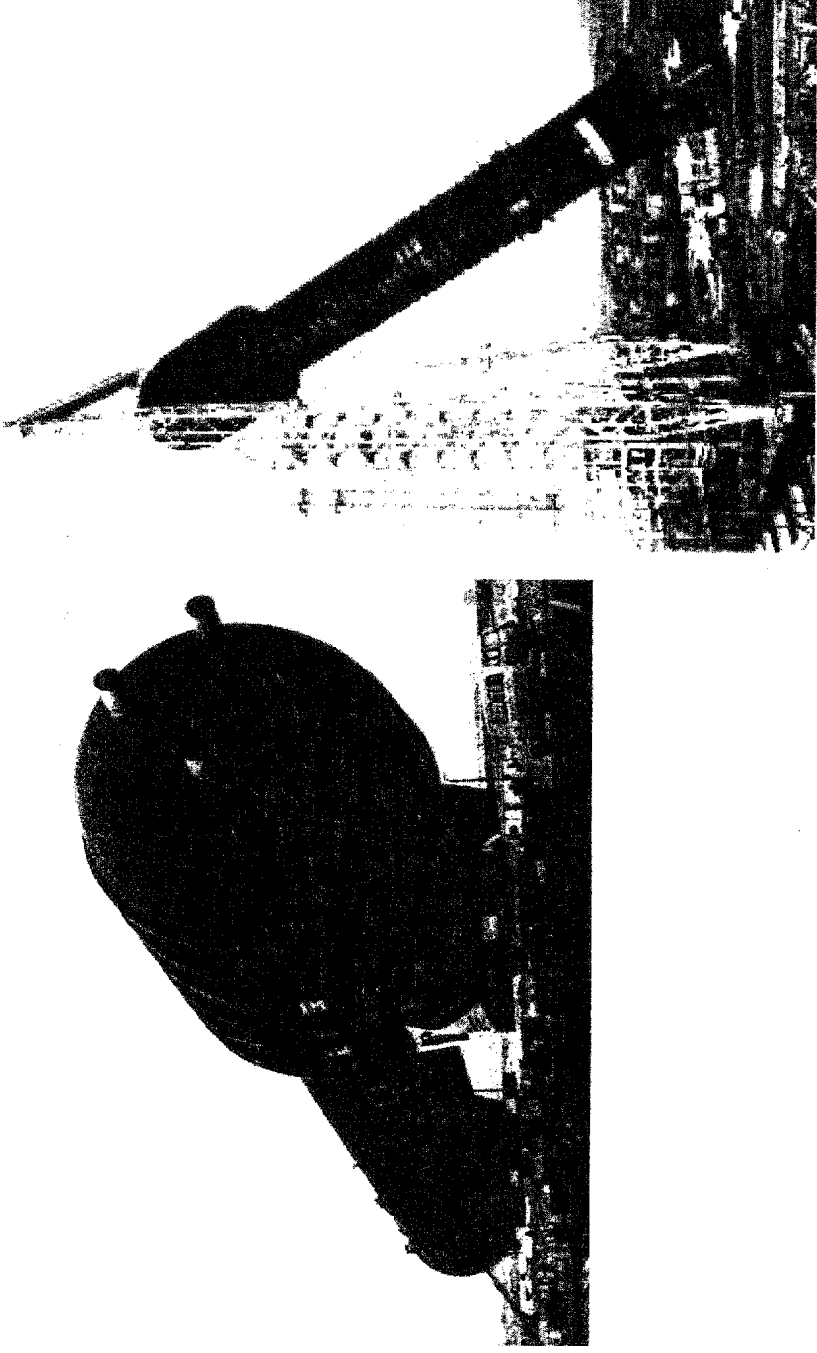
HEAVY ON THE SCIENCE
OF IT, BUT HE DOESN'T
KNOW HOW TO CONTROL
THE GROWTH OF THE
BACTERIA. HE'S TRYING
TO GET IT TO REACT
TO EVERY SURFACE IN THE
LAB. HE'S TRYING TO
PRODUCE SOMETHING
GROWING IN THE LAB
AND GENERALLY
BE A GOOD BOY.

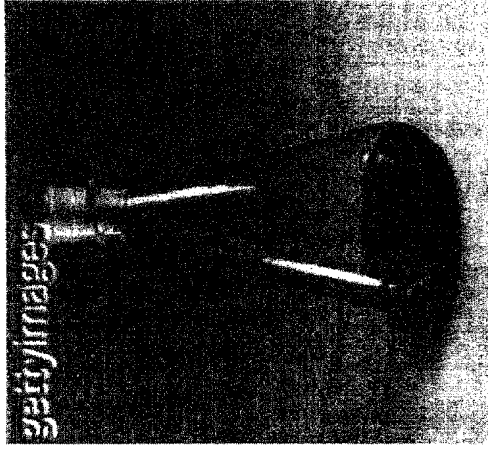
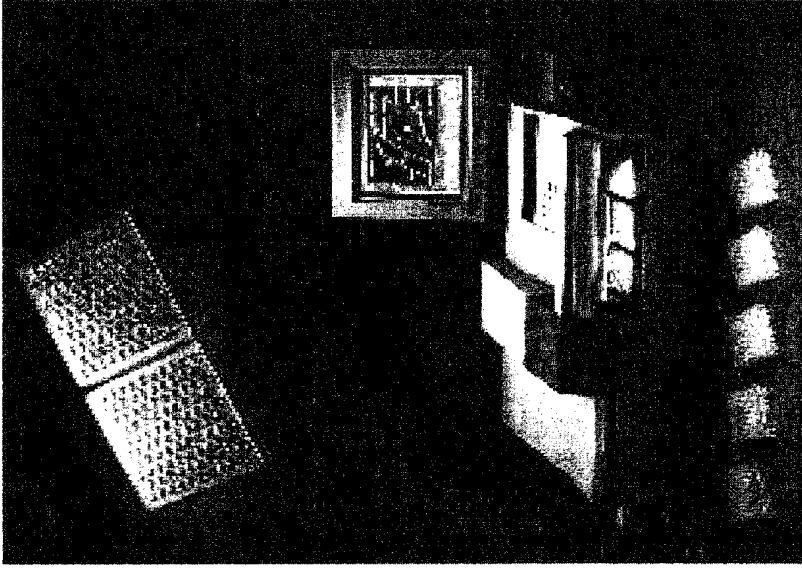
ARMED WITH HIS 'LIGHT SENSOR' THE
YOUNG SCIENTIST MOVES TO
INTERCEPT THEIR PESKY PLANS
BEFORE IT WAS TOO LATE. SMASHING
THE PROBLEM OF PH SENSING,
WALLOPING THE GOALS OF
METABOLITE DETECTION, HE NOW
TRAVELS TO THE DEPTHS OF THE
DARK ROOM TO FACE HIS NEMESIS,
DARTH OXYGEN.

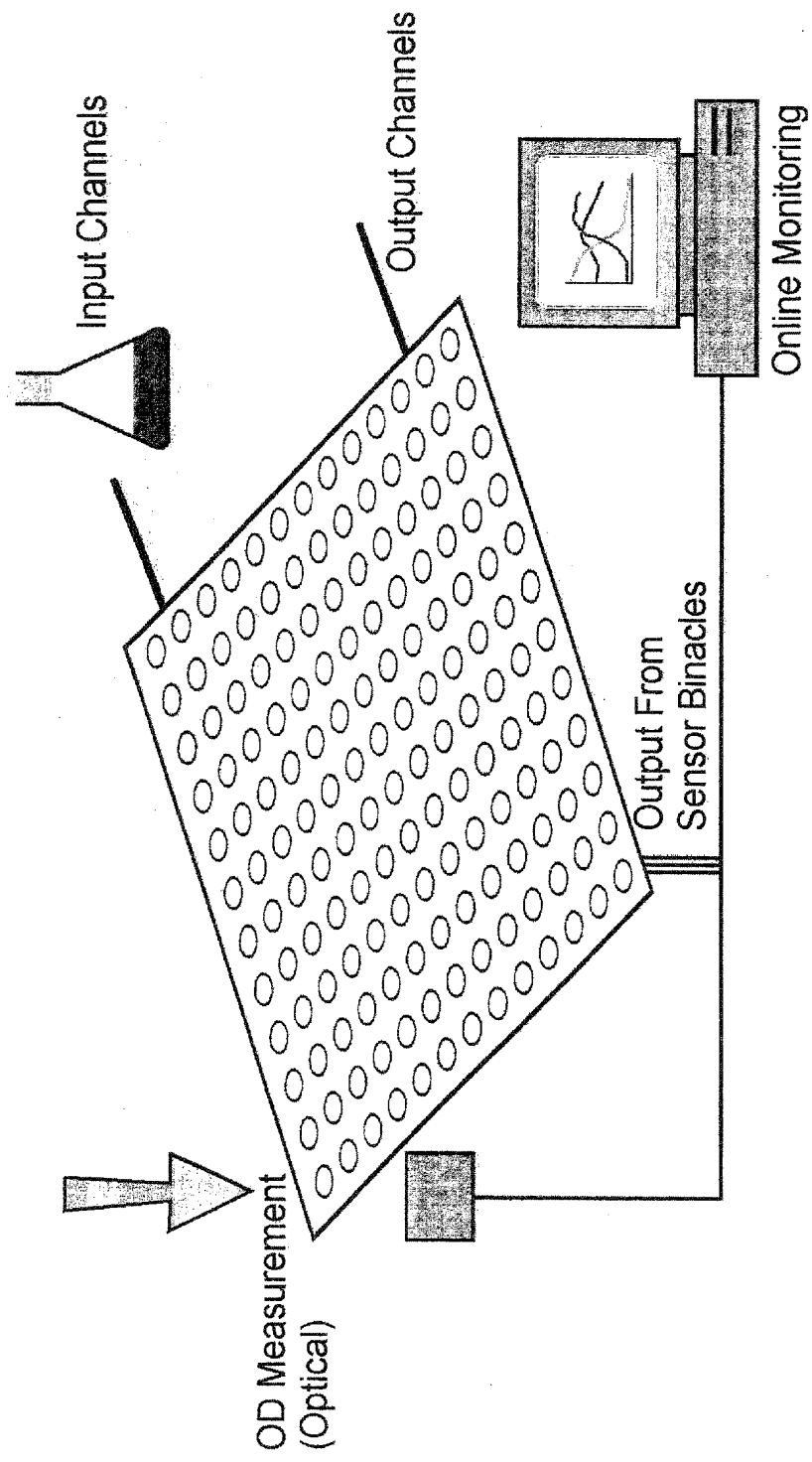
AND HE WOULD HAVE GOT AWAY
WITH IT TOO IF IT WASN'T FOR THOSE
PESKY BACTERIA...

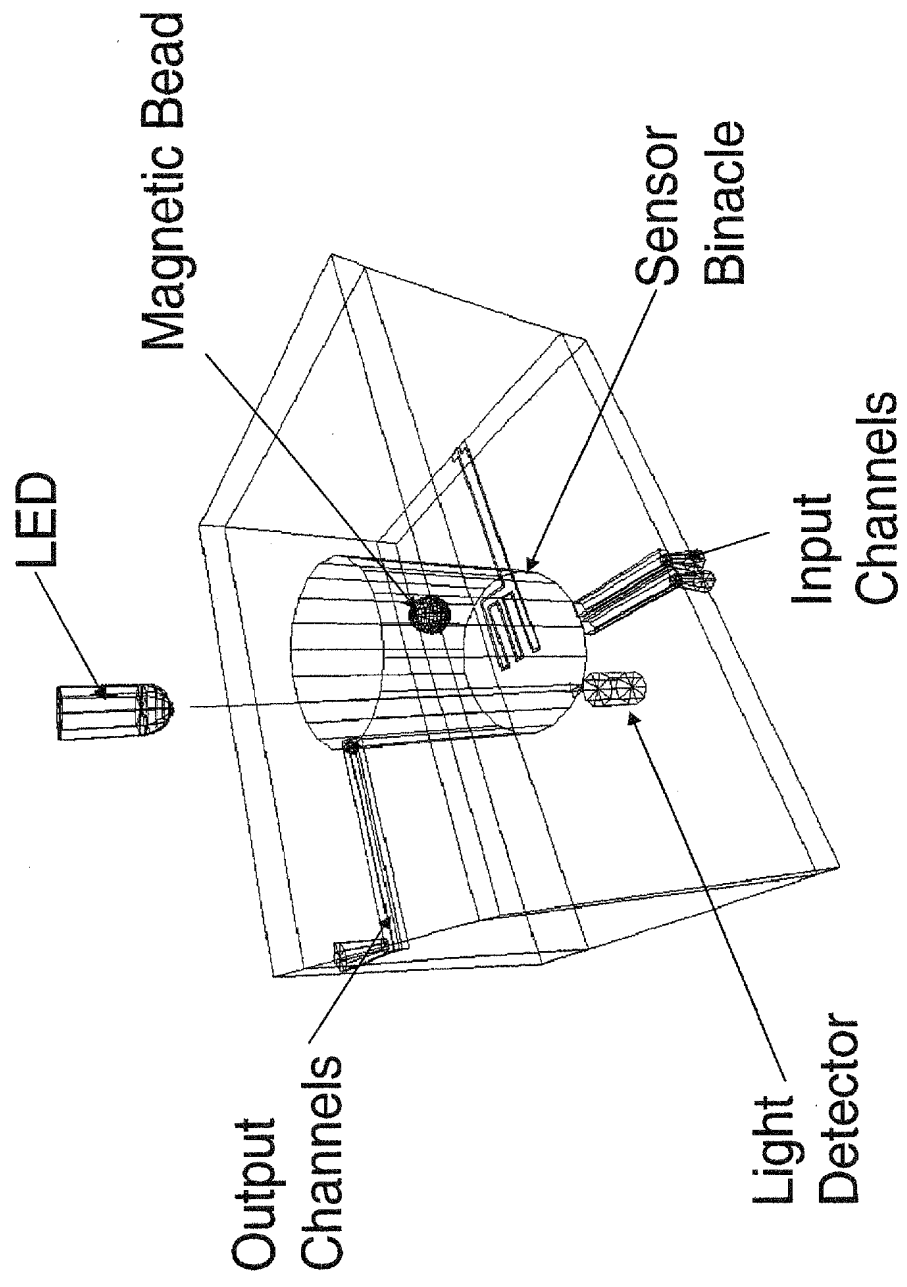


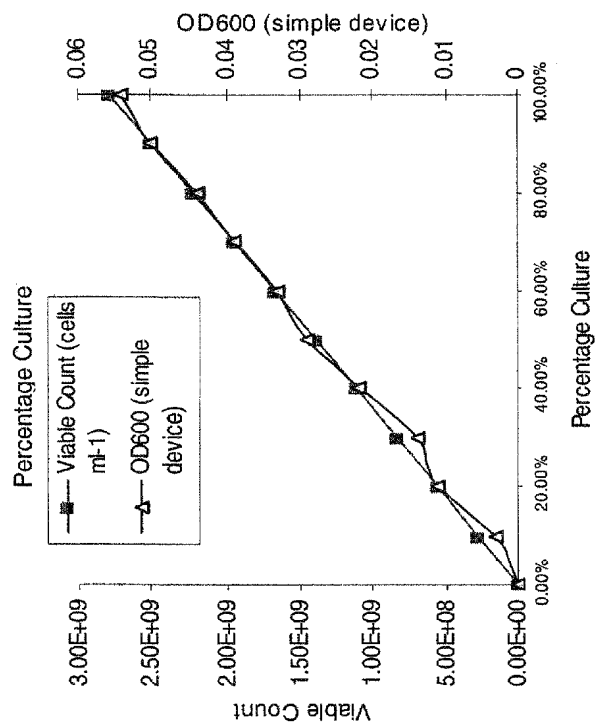
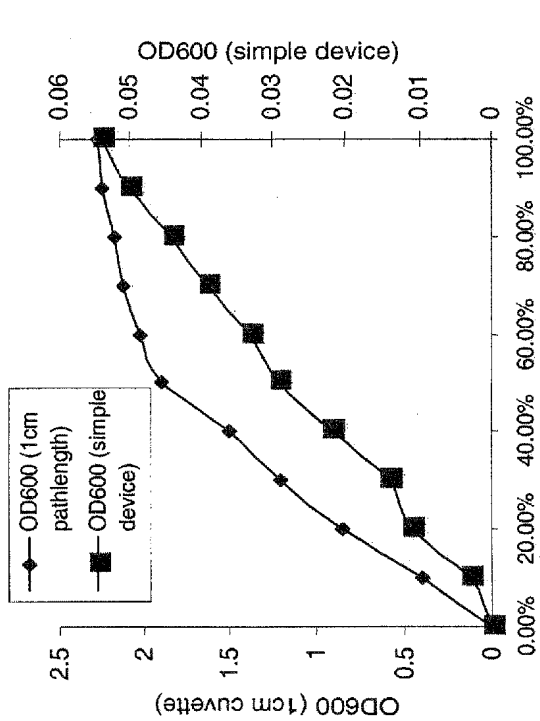
Classic Fermentation Technology...

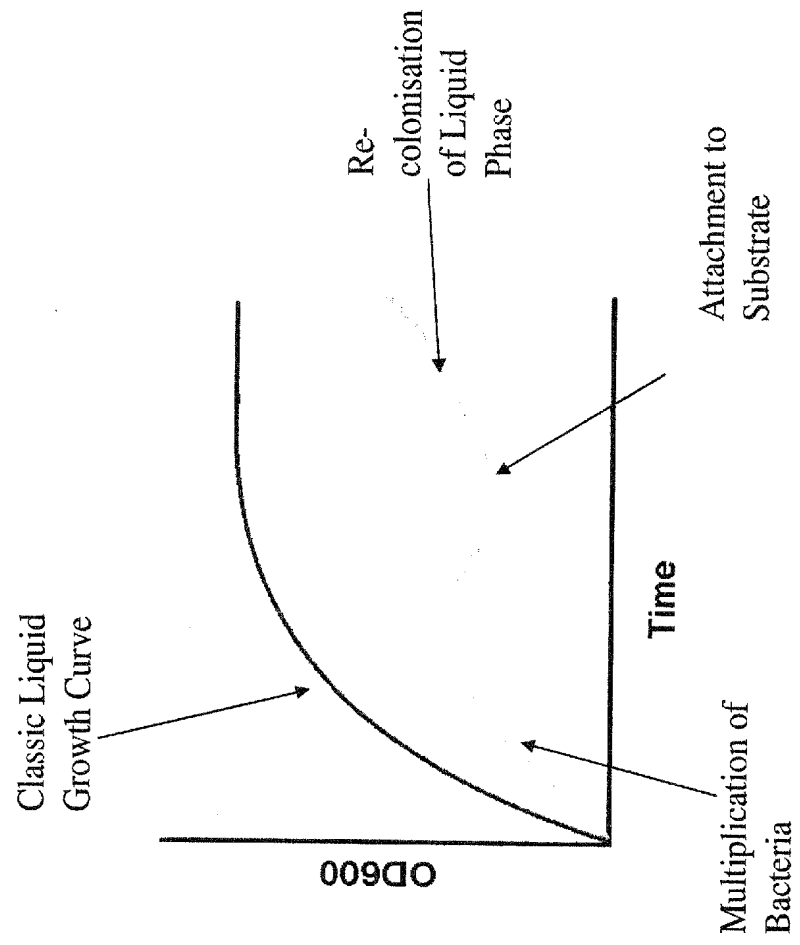
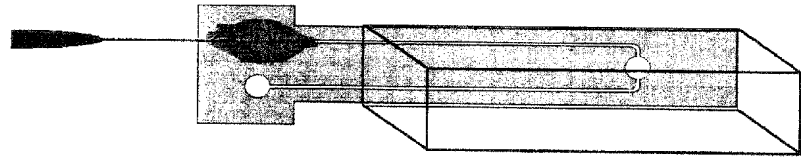
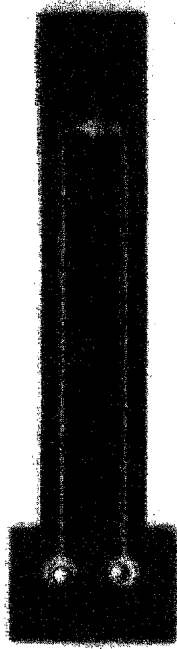










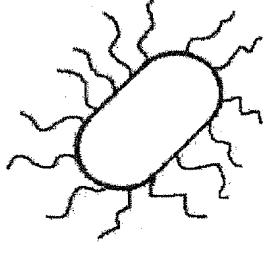


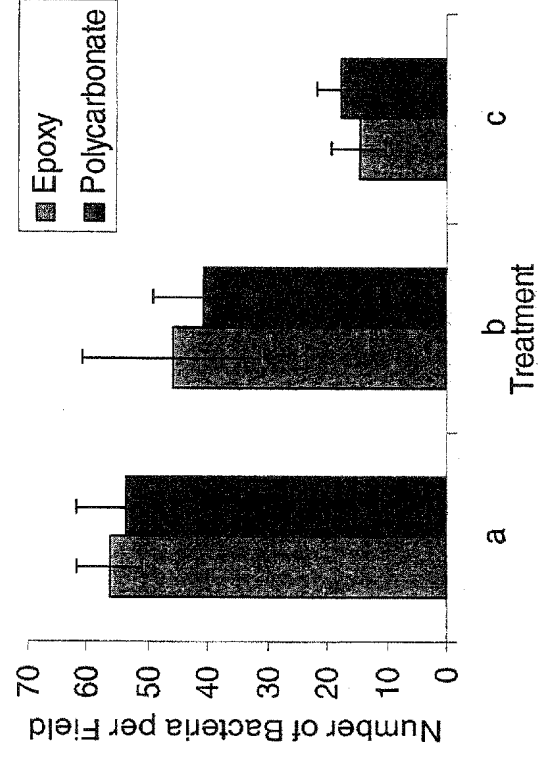
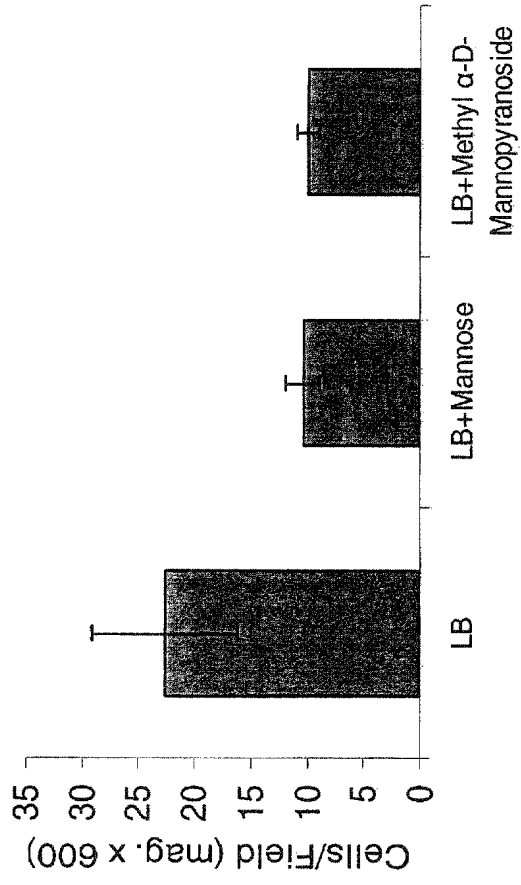
- Hydrophilicity

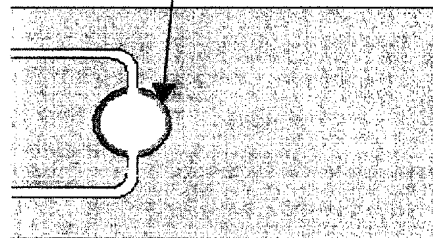
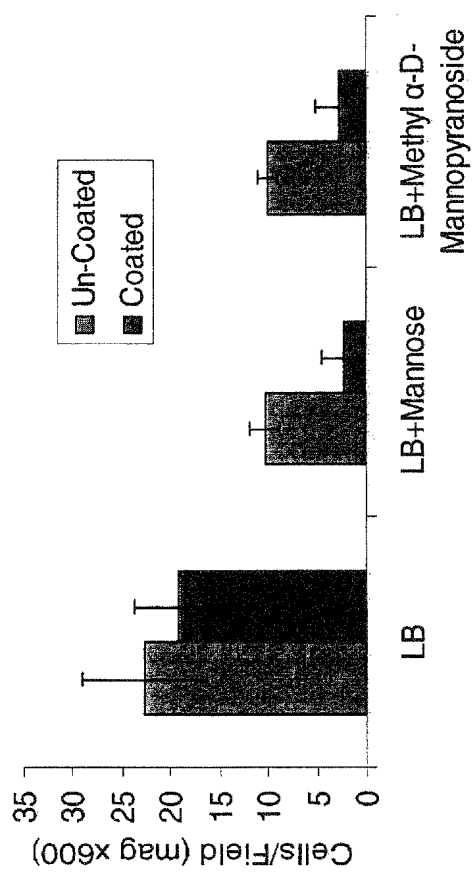
- Surface Energy

- Surface Smoothness

- Competition for Binding
Sites







BUT There was still some attachment in the area in contact with the epoxy, most likely due to the physical conditions found there...

